

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; 90-day Finding for a Petition To List the Timber Rattlesnake as Endangered and To Designate Critical Habitat**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the 90-day finding on a pending petition to add the timber rattlesnake, *Crotalus horridus*, to the Lists of Endangered and Threatened Wildlife and Plants. It is the finding of the Service that the petition does not present substantial information indicating that the requested actions may be warranted.

DATES: The finding in this notice was made in January 1992. Comments and information may be submitted until further notice.

ADDRESSES: Comments and materials concerning this petition should be sent to U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, suite A, Jackson, Mississippi 39213. The petition, finding and supporting data are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. James Stewart at the above address.

SUPPLEMENTARY INFORMATION:**Background**

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982 (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the *Federal Register*. If the finding is positive, the Service is also required to promptly commence a review of the status of the involved species.

The Service received a petition on September 19, 1991, from the Biodiversity Legal Foundation and Mr. Andrew Weisburd requesting the Service to list the timber rattlesnake, *Crotalus horridus*, as an endangered species throughout its historic range and to designate critical habitat. The petition summarizes information for 31 States and 2 Canadian provinces within the

historic range for this species. It claims the species is in decline throughout its range and endangered by collecting and habitat destruction. Information for the petition was collected from non-game managers, reptile biologists at State wildlife agencies, and from private herpetologists. The Service also sought additional information through a review of the available literature and contacts with knowledgeable individuals.

The species historically occurred in 34 States and 2 Canadian provinces. The petition fails to discuss Arkansas, Kansas, and Wisconsin, although the supporting data includes correspondence from these States. Of the 31 States specifically enumerated in the petition, population status information was provided for only about one-third, and for many of these States there is very little documentation on population trends or the magnitude of threat. Supporting documentation provided with the petition, whether in the form of reports, letters, or personal communication, is summarized below.

Canada—The petition considers this species to be extinct in Canada, yet the supporting information (Martin 1982) states that unconfirmed rumors of rattlesnakes from Quebec persist.

Arkansas—A letter from the Arkansas Game and Fish Commission refers the petitioner to Dr. Stan Trauth, Arkansas State University, Jonesboro, Arkansas for information on this species. If Dr. Trauth was contacted for information, there is no documentation with the petition. Informal contacts conducted by the Service in connection with Dr. Trauth's work indicate the species does not face any significant problems in Arkansas at this time.

Connecticut—According to a personal communication by the petitioners with W.H. Martin in 1989, Connecticut has 8 rattlesnake populations with a total population of 600 to 700 individuals.

Delaware—Based on personal communication with W.H. Martin, the species is believed to be extirpated from this State.

Illinois—A species' account from the Illinois Natural History Survey Bulletin (1961) provides general distribution and a listing of undocumented records of occurrence. The range is shown as the lower one-third of Illinois and the area along the Mississippi River. Service contacts indicate the species has declined state-wide due to persecution, exploitation and habitat loss.

Indiana—The petitioner indicated that the Nature Conservancy considers the species to be imperiled at the state level because of rarity, but no other documentation was provided. Service

contacts indicate the species has declined state-wide due to persecution, exploitation and habitat loss, and that the State will list the species as endangered in 1992. The State listing will prohibit commercial exploitation.

Iowa—A letter from the Iowa Department of Natural Resources gives general information on range without any numbers or other data. Service contacts indicate a decline due to persecution, exploitation and habitat loss, but the species does not appear to be in serious trouble.

Kansas—A letter from the University of Kansas refers to some museum records as an enclosure, but they were not included with the petition.

Maine—Based on personal communication with W.H. Martin, the species has been extirpated from this State.

Massachusetts—The Massachusetts Natural Heritage Program document submitted in support of this petition acknowledges this species in need of protection, yet states "... the rattlers are hanging in, just about exactly where they were in 1925." Another document from the Massachusetts Natural Heritage Program documents 6 widely scattered populations of the timber rattlesnake that have been verified since 1978 with no comment on efforts to verify the other 15 known historic occurrences.

Minnesota—Documentation from Minnesota states the timber rattlesnake is common and abundant in some localities and declining elsewhere within its limited range, but gives no population data. Service contacts indicate a general decline and that the State considers the species to be of special concern.

Missouri—While the petitioner presents no documentation for the species' status in Missouri, Service contacts indicate a decline, although the decline has not been sufficient to trigger a State listing of the species.

New Hampshire—It is uncertain if the timber rattlesnake still occurs in New Hampshire (Taylor, *in litt.*, 1989).

New Jersey—A publication on rattlesnakes in New Jersey (Reinert and Zappalorti 1988) discusses movement patterns and habitat preference rather than providing data on population status.

New York—The petitioners provided a paper by Brown (1988) that indicates a decline in New York. The species has been classified as threatened by the

New York State Department of Environmental Conservation since 1983.

North Carolina—Information from North Carolina (Palmer 1974) indicates the species has been extirpated from some areas of the piedmont, yet is still widespread across the State. Neither the petitioners nor the document from North Carolina provides any data to support that statement. A letter from the North Carolina State Museum of Natural History (1989) states that information on the current status is incomplete but that it is generally believed to be declining.

Ohio—By letter, the Ohio Department of Natural Resources (Case 1989) states that very little recent information on the species is available. A second letter from this same agency (Rice 1989) states that data on this species is spotty and incomplete. More recent Service contacts indicate a significant decline, and that the State plans to list the species as endangered.

Pennsylvania—In Pennsylvania, the timber rattlesnake is considered abundant by some researchers and in sharp decline by others. The number of rattlesnakes captured during snake rodeos in Pennsylvania has decreased and is attributed by at least one author to be the result of the daily bag limit of two snakes imposed by Pennsylvania. Martin et al. (1990) estimate the timber rattlesnake population in Pennsylvania to range from 60,000 to 90,000 on the basis of 30 snakes per den and an estimate of 2,000 to 3,000 dens. This represents a reduction of about 70 percent from the estimates for historic populations.

Rhode Island—The species is believed to be extirpated from Rhode Island (apparently based on information from W.H. Martin).

Texas—A U.S. Forest Service forester provided observations on populations in Texas without any data. A range map for the timber rattlesnake in Texas was enclosed and indicated a scattered range over east Texas.

Virginia—In Virginia (Buhlmann, Virginia Natural Heritage Program, *in litt.*, 1989) the timber rattlesnake is still abundant in many areas while declining in the southeastern coastal plain. No specific studies are cited as documentation.

West Virginia—A document from West Virginia provided by the petitioners indicates that rattlesnake populations in remote areas have remained relatively stable over the past 23 years unless they received pressure from snake hunters. In the latter case,

the populations declined to about half of their former numbers.

Wisconsin—The only correspondence submitted from Wisconsin was a request for more information from one of the petitioners before locality data would be released. Service contacts indicate that the species is declining in some areas and that the State considers it to be a species of special concern.

The general theme of the petition and supporting comments is that the species has declined, a situation which the Service recognizes as being true for most species that retreat from areas of human activity. Even so, the timber rattlesnake has a very wide range and, while populations may have decreased, and even become extirpated from some areas, the species still persists throughout most of its range.

The Service has determined that this petition does not present substantial information indicating that the action requested may be warranted. The Service will remain interested in any additional information about population trends for this species as it may become available.

References Cited

- Brown, W.S. 1988. Timber rattlesnake: background information for protection as a threatened species in New York State. N.Y. Herp. Newsletter, No 115, May/June.
- Martin, W.H. 1982. The timber rattlesnake in the northeast; its range, past and present. Bull. N.Y. Herp. Soc., vol. 15, No. 1.
- Palmer, W.M. 1974. Poisonous snakes of North Carolina. State Mus. of Nat Hist., N.C. Dept. Ag., Raleigh.
- Reinert, H.K., and R.T. Zappalorti. 1988. Timber rattlesnakes (*Crotalus horridus*) of the Pine Barrens; their movement patterns and habitat preference. Copeia (4):964-978.
- Smith, P.W. 1961. The amphibians and reptiles of Illinois. Ill. Nat. Hist. Sur. Bull., Vol. 28, Article 1.

Author

This notice was prepared by Mr. James Stewart (see ADDRESSES section).

Authority: The authority for this action is the Endangered Species Act (16 U.S.C. 1531-1544).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: April 6, 1992.

Richard N. Smith,
Acting Director, Fish and Wildlife Service.
[FR Doc. 92-8394 Filed 4-21-92; 8:45 am]
BILLING CODE 4310-55-M